FILE COPY

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT ISSUANCE

BY ELECTRONIC MAIL
AFRA@chevrontexaco.com

In the matter of an
Application for Permit
By:
Mr. Terry Franklin
Chevron Texaco Panama City Terminal
525 West Beach Drive
Panama City, Florida 32401

DEP File No. 0050056-012-AF
Bay County

_____/

Enclosed is Permit Number 0050056-012-AF, issued pursuant to Section 403.087, Florida Statutes, for operating the Chevron Texaco Panama City Terminal.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of how and when petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station 35, 3900 Commonwealth boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Pensacola, Florida.

State of Florida Department
of Environmental Protection

Sandra F. Veazey

SANDRA F. VEAZEY
Air Program Administrator

160 Governmental Center
Pensacola, Florida 32502-5794
850/595-8300

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by electronic mail before the close of business on August 17, 2006 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency Clerk, receipt of which is hereby acknowledged.

MB Cule

(Clerk) 8/17/06 (Date)

Copies furnished to:
Louis Milkint, Chevron Texaco (LMilkint@chevrontexaco.com)
DEP NWD Branch Office, Panama City

Florida Department of
Environmental Protection

Memorandum

TO: Sandra F. Veazey SFO 8/17/06
THROUGH: Kevin M. White, P.E.
FROM: Angelia M. Jackson
DATE: July 25, 2006
SUBJECT: Evaluation Summary for Chevron U.S.A. Inc., Chevron Texaco Panama City Terminal 0050056-012-AF, Bay County

We recommend issuing an operating permit (FESOP) to Chevron U.S.A. Inc. to operate their Chevron Texaco Panama City Terminal.

Process Description.
This facility is a petroleum terminal consisting of storage tanks, a loading rack and a vapor combustion unit. The terminal receives petroleum products by barge, stores the products into tanker trucks for distribution. A vapor combustion unit controls tanker truck loading emissions. Facility emissions are limited by limiting the maximum throughput of petroleum liquids through the facility, and this facility is considered a synthetic minor facility as a result.

Pollution Control Equipment.
A vapor combustion unit controls tanker truck loading emissions. High volatility product storage tanks are equipped with floating roofs. Tanks 78 and 84 are not subject to the NSPS standards, but Tank 78 is equipped with an internal floating roof. Facility emissions are limited by limiting the maximum throughput of petroleum liquids throughput of petroleum liquids through the facility, and this facility is considered a synthetic minor facility as a result.

Environmental Impact.

Airborne Contaminant Emitted	FAC Rule	Estimated Emissions lbs/hr	Estimated Emissions T/yr	Allowable Emissions lb/hr	Allowable Emissions T/yr
VOC	N/A	N/A	88.3	N/A	*35 mg/l from truck loading
VE	62-204.800	N/A	N/A	N/A	Not more than 20% opacity

** This allowable emission limit is required by 40 CFR 60 Subpart XX.*

Facility-wide throughput is limited to:

High Volatility Products	325.76 million gallons (gasoline, aviation gasoline)
Low Volatility Products	57.49 million gallons (diesel, jet A)

Applicable Rules & Regulations.
This source is regulated in accordance with 40 CFR 60 Subparts Kb, applicable to the storage tanks, and XX, applicable to the gasoline terminal.

Compliance Monitoring.
VOC testing is required on the VCU once during the 12 months prior to the renewal application due date. In addition, record keeping is required to verify the facility requested throughput and emission limitations. NSPS recordkeeping and reporting are also required for the tanks subject to Subpart Kb and the loading rack, which is subject to Subpart XX.

Compliance History.
Throughput and visible emissions testing have been acceptable. Prior inspection reports for 2005– 2001 stated the facility was in compliance.

Fee Summary.
This is an AF2C ($750 x 6 = $4,500 – minor source with no sample) + AF2A ($1,500 fee - minor source with stack sample).

Additional Notes.
Chevron requested changes to Tank 78, Tank 84, Tank 10 and Tank 66 to use either gasoline or aviation gasoline with a permit note that the Department be notified. Tanks 10 and 66 are subject to Kb and notification is a requirement of this subpart. The numbering of the 40 CFR 60 Subpart Kb (dated 10/15/2003) has been preserved (EU 007) for ease of reference to the rules. Chevron also requested Tank 67, 25, 62 and 63 to use Jet A or Diesel with notification to the Department. Under Emission Unit 001 – VE testing requirement has been removed based on EPA Guidance (Control Number: 0000060) – because an enclosed flare is used which can be source tested using methods such as 2B, 25A, or 25B, then these methods are to be used to demonstrate compliance with the mass emission limits under NSPS XX. The procedure under Section 60.18 would not apply, including the 5% opacity limitation. Therefore the VCU is only subject to the general pollutant emission limiting standard of 20% opacity. Due to this change the previously required visible emissions testing has been removed from this permit. Two additional requirements were added under NSPS XX (1) an alternative to keeping records and (2) duration of records of all replacements or additions of components performed on an existing vapor processing system.

SFV:ajc

Chevron U.S.A. Inc.
Chevron Texaco Panama City Terminal
Facility ID No.: 0050056
Bay County

Air Operation Permit
Permit No.: 0050056-012-AF

Permitting and Compliance Authority
Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, FL 32502-5794
Telephone: 850/595-8300
Fax: 850/595-8096

[electronic file name: 00500056-012-af.doc]

Air Operation Permit
Permit No.: 0050056-012-AF

Table of Contents

Section	Page Number
Placard Page	1
I. Facility Information	2
A. Facility Description.	
B. Summary of Emissions Unit ID No(s). and Brief Description(s).	
C. Relevant Documents.	
II. Facility-wide Conditions	3
III. Emissions Unit(s) and Conditions	
A. EU 001 – Loading Rack and Vapor Combustion Unit	7
B. EU 002 – High volatility VOL (gasoline and aviation gasoline) Storage Tanks not subject to 40 CFR 60	14
C. EU 003 – Low volatility VOL (diesel and Jet A Fuel) storage tanks	15
D. EU 004 – Additive, slop, and flare drop out storage tanks	16
E. EU 005 – Process storage tanks	17
F. EU 006 – Fugitive emissions	18
G. EU 007 – High volatility VOL storage tanks subject to NSPS	19
Appendices:	
Appendix G-1, General Conditions	
Appendix 40 CFR 60 Subpart A	

Department of
Environmental Protection

Jeb Bush
Governor

Northwest District
160 Governmental Center
Pensacola, Florida 32502

Colleen Castille
Secretary

Permittee:
Chevron U.S.A. Inc.

Permit No.: 0050056-012-AF
Facility ID No.: 0050056
SIC No(s).: 51, 5171
Project: Air Operation Permit

This permit renews the existing operation permit of the Chevron Texaco Panama City Terminal located at 525 West Beach Drive in Panama City, Bay County; UTM Coordinates: Zone 16, 628.3 km East and 3336.8 km North; Latitude: 30° 09' 28" North and Longitude: 85° 40' 03" West.

STATEMENT OF BASIS: This air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapters 62-4 and 62-210. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:
Appendix G-1, General Conditions
Appendix 40 CFR 60 Subpart A

Effective Date: August 17, 2006
Renewal Application Due Date: June 18, 2011
Expiration Date: August 17, 2011

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sandra F. Veazey

Sandra F. Veazey
Air Program Administrator

SFV:ajc

Section I. Facility Information.

Subsection A. Facility Description.

This facility is a petroleum terminal consisting of storage tanks, a loading rack and a vapor combustion unit. The terminal receives petroleum products by barge, stores the products in tanks and then loads the products into tanker trucks for distribution. A vapor combustion unit (VCU) controls tanker truck loading emissions. Facility emissions are limited by limiting the maximum throughput of petroleum liquids through the facility, and this facility is considered a synthetic minor facility as a result. The following is a list of the terminal tanks:

Group ID.	Product Stored	Capacity (gal)	NSPS Tank (Subpart Kb)	Tank Type
Tank 10	Gasoline or Aviation Gasoline	3,186,374	Yes	IFR
Tank 66	Aviation Gasoline or Gasoline	703,374	Yes	IFR
Tank 67*	Jet A or Diesel	699,552	No	FR
Tank 78	Gasoline or Aviation Gasoline	1,053,990	No	IFR
Tank 84	Gasoline or Aviation Gasoline	1,103,940	No	EFR
Tank 25	Diesel or Jet A	852,222	No	FR
Tank 62	Jet A or Diesel	211,492	No	FR
Tank 63	Jet A or Diesel	211,492	No	FR
Tank 14	Additive	12,000	Yes	FR
Tank 17	Additive	5,838	No	FR
Tank 18	Additive	4,000	No	FR
Tank 20	Flare Drop-Out (currently dry)	250	No	FR
Tank 21	Additive	5,800	No	FR
Tank 22	Additive	8,148	No	FR
Tank 23	Additive	3,906	No	FR
Tank 95	Additive (out-of-service since 1998)	25,368	No	FR
Tank 96	Slop Tank	11,550	No	FR
O/S #1	Oil/Water Separator	10,000	No	FR
PT #1	Petroleum Contaminated Water	12,000	No	UG
PT #2	Petroleum Contaminated Water	126	No	UG
Tank 2	Fire Protection Water		No	FR
Tank Ev.	Water Evaporation Tank		No	OT

* - Tank currently being modified to remove the internal floating roof to become a fixed roof tank (storing low volatile liquid – jet fuel)
Slop – Mixture of products stored at this facility
IFR – Internal Floating Roof
EFR – External Floating Roof
FR – Fixed Roof
UG – Underground
OT – Open Top (roof)

Based on the permit application received May 23, 2006, this facility is not a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).

E.U. ID No.	Brief Description
001	Loading rack and Vapor Combustion Unit
002	High volatility VOL (gasoline and aviation gasoline) storage tanks
003	Low volatility VOL (diesel and Jet A fuel) storage tanks
004	Additive, slop and flare drop out storage tanks
005	Process storage tanks
006	Fugitive emissions
007	High volatility VOL storage tanks subject to NSPS

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.

Subsection C. Relevant Documents.

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are on file with permitting authority:
Permit Application received May 23, 2006
Additional Information Request dated June 21, 2006
Additional Information Response received June 28, 2006

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. APPENDIX G-1, GENERAL CONDITIONS, is a part of this permit.

2. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants that cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C. and Permit 0050056-009-AC]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.
[Rules 62-296.320(4)(b)1. & 4., F.A.C. and Permit 0050056-009-AC]

4. Prevention of Accidental Releases (Section 112(r) of CAA).
a. As required by rule, inspection, or change in process the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.
b. The owner or operator shall report to the Department of Community Affairs (DCA) within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the USEPA/Chemical Safety Hazard Investigation Board or the National Response Center under Section 112(r)(6).
c. The owner or operator shall submit the required annual registration fee to the DCA on or before June 21, 1999 and on April 1 annually thereafter, in accordance with Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.

5. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. This includes but is not limited to covering all tanks, vats, containers, etc., that are used for temporary and permanent storage of VOC/organic solvents when not in use to prevent vaporization of volatile organic compounds.
[Rule 62-296.320(1)(a), F.A.C. and Permit 0050056-009-AC]

6. Emission and Throughput Limits. VOC emissions shall be controlled by limiting the maximum throughput of petroleum liquids through the facility. Facility-wide maximum allowable VOC emissions from all sources and activities are limited to 88.3 tons per rolling 12 months. Facility-wide rolling 12-month throughput shall be limited to 325.76 million gallons of

high-volatility products (gasoline & aviation gasoline), and to 57.49 million gallons of low-volatility products (diesel & jet A).
[Rule 62-4.070, F.A.C. and Permit 0050056-009-AC]

7. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standards contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests that identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.
[Rule 62-297.310, F.A.C.]

8. Recordkeeping. The Permittee shall maintain records for all stored materials, which show monthly and rolling twelve-month throughput and emissions for the facility. These records shall be maintained at the terminal and made available as necessary for at least five years.
[Rule 62-4.070, F.A.C., and Permit 0050056-009-AC]

9. An annual operating report for air pollutant emitting facility, DEP Form 62-210.900(5), shall be submitted by March 1 of each year. A copy of the form and instructions may be obtained from the Department's Northwest District office.
[Rule 62-210.370, F.A.C.]

10. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include paving and maintenance of roads, parking areas, and yards; removal or sweeping of particulate matter from roads and other paved areas under the control of the facility to prevent reentrainment; application of water or dust suppressants to unpaved roads, yard, and parking areas as needed; landscaping or planting of vegetation; confining abrasive blasting, etc.
[Rule 62-296.320(4)(c)2., F.A.C. and Permit 0050056-009-AC]

11. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.
[Rule 62-213.440, F.A.C.]

12. Sixty days prior to the expiration date of this operation permit, the Permittee shall submit two permit renewal applications using the current version of the renewal form along with the processing fee established in Rule 62-4.050(4), F.A.C., to the Northwest District office of the Department.
[Rule 62-4.090, F.A.C.]

13. Permittee shall install and maintain permanent stack sampling facilities, including sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must meet requirements of Rule 62-297(6), F.A.C., and any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.
[Rule 62-297.310(6), F.A.C.]

14. The permittee shall submit all compliance related notifications and reports required of this permit to the Department's Northwest District office:

Department of Environmental Protection
Northwest District Office
160 Governmental Center
Pensacola, Florida 32502-5794
Telephone: 850/595-8300; Fax: 850/595-8096

Notification of compliance testing may be submitted by electronic mail to nwdair@dep.state.fl.us. A copy of all compliance related notifications shall be sent to the Northwest District Branch Office in Panama City at 2353 Jenks Ave, Panama City FL 32405.

15. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is 850/595-8300, extension 1220, day or night, and for emergencies involving a significant threat to human health or the environment is 800/320-0519. For routine business, telephone 850/595-8300, then press 7, during normal working hours.
[Rules 62-210.700 and 62-4.130, F.A.C.]

Section III. Emissions Unit(s) and Conditions.

Subsection A. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
001	Loading Rack and Vapor Combustion Unit

This emission unit consists of an existing product loading rack equipped with a flare, a John Zink model number ZCT-3-8-45-3/6-X vapor combustion unit (VCU). The loading rack is subject to the requirements of 40 CFR 60 Subpart XX, and the flare is subject to the applicable requirements of 40 CFR 60.18. The flare uses propane with a maximum sulfur content of 0.02% by weight as an auxiliary fuel at a maximum rate of 72 SCFM.

Construction permit 0050056-005-AC was issued July 18, 2001. The construction permit incorporated applicable requirements of 40 CFR 60.18, and 40 CFR 60 Subpart XX. The construction permit also allowed the construction of an additional third lane for the truck loading rack.

Emissions from this emission unit are included in the facility wide maximum allowable VOC limit of 88.3 tons per rolling twelve months.

The following specific conditions apply to the emissions unit(s) listed above:

Essential Potential to Emit (PTE) Parameters

A.1. Capacity. The maximum allowable operating rate of the loading rack is limited to 96,000 gallons per hour. This is the operating rate at which compliance with standards shall be demonstrated, using gasoline as the product. The loading rack maximum rolling twelve-month throughput is limited to (facility-wide condition 6) the below:

High Volatility Products	325.76 million gallons (gasoline, aviation gasoline)
Low Volatility Products	57.49 million gallons (diesel, jet A)

[Rule 62-210.200(PTE), F.A.C. and Permit 0050056-005-AC]

A.2. Methods of Operation - (i.e., Fuels). The flare auxiliary fuel is limited to propane with a maximum sulfur content of 0.02% by weight at a maximum rate of 72 SCFM. Vendor records shall be maintained at the facility showing the propane sulfur content.
[Rules 62-4.160(2) and 62-213.440(1), F.A.C. and Permit 0050056-005-AC]

A.3. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

A.4. The vapor collection system shall collect the total organic compounds vapors displaced form tank trucks during product loading. The emissions to the atmosphere form the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded.
[Rule 62-204.800(7)(b), F.A.C., 40 CFR 60.502(a) & (b), and Permit 0050056-005-AC]

A.5. Visible Emissions from the VCU (flare) is subject to the General Particulate Emission Limiting Standards. General Visible Emissions Standard of less than 20%. This standard is at Section II Facility Condition 3. No routine testing is required.
[Rule 62-296.320(1)(b)1 and 4, F.A.C.]
{Permitting Note: Although visible emissions less than 20% opacity comply with the general pollutant emission limiting standard of facility-wide condition 3, visible emissions of 5 to 15% opacity may suggest the presence of unacceptable operational problems.}

Test Methods and Procedures

A.6. Emissions tests are required to show compliance with the standards of the Department. The test results must provide reasonable assurance that the source is capable of compliance at the permitted maximum operating rate.
[Rules 62-4.070, 62-204.800(7)(b), 62-296.320(1)(a), 62-297.310(7)(a)4.a., 62-297.401(2)(b), (22) and (25), F.A.C.; 40 CFR 60.503, 40 CFR 60.18(f)]

Tests shall be conducted in accordance with the table below:

Pollutant	Test Method / Frequency
Vapor Collection System:	
VOC	EPA Method 21, along with VOC test
Vapor Combustion Unit:	
VOC	EPA method 2B, and 25A or 25B, once before permit renewal, but prior to the renewal application due date. (See facility wide condition 12.)

[Rule 62-204.800(7)(b), F.A.C., 40 CFR 60.503,and Permit 0050056-005-AC]

A.7. Immediately before the performance test, the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.
[Rule 62-204.800(7)(b), F.A.C., 40 CFR 60.503(b), and Permit 0050056-005-AC]

A.8. The owner or operator shall determine compliance with the standards in 40 CFR60.502 (b) *(see Specific Condition **A.4**)* as follows:

(1) The performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 300,000 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In this latter case, the 300,000-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.

(2) If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.

(3) The emission rate (E) of total organic compounds shall be computed using the following equation:

$$E = K\sum_{i=1}^{n}\left(V_{esi}C_{ei}\right)/\left(L10^{6}\right)$$

where:
E = emission rate of total organic compounds, mg/liter of gasoline loaded.
$V_{es\ i}$ = volume of air-vapor mixture exhausted at each interval ‘‘i’’, scm.
C_{ei} = concentration of total organic compounds at each interval ‘‘i’’, ppm.
L = total volume of gasoline loaded, liters.
n = number of testing intervals.
i = emission testing interval of 5 minutes.
K = density of calibration gas, 1.83´10 6 for propane and 2.41´10 6 for butane, mg/scm.

(4) The performance test shall be conducted in intervals of 5 minutes. For each interval ‘‘i’’, readings from each measurement shall be recorded, and the volume exhausted (Vesi) and the corresponding average total organic compounds concentration (Cei) shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.

(5) The following methods shall be used to determine the volume (Vesi) air-vapor mixture exhausted at each interval:

(i) Method 2B shall be used for combustion vapor processing systems.

(ii) Method 2A shall be used for all other vapor processing systems.

(6) Method 25A or 25B shall be used for determining the total organic compounds concentration (Cei) at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane and ethane content in the exhaust vent by any method (e.g., Method 18) approved by the Administrator.

(7) To determine the volume (L) of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.503, and Permit 0050056-005-AC]

A.9. The owner or operator shall determine compliance with the standard in 40 CFR 60.502(h) *(see Specific Condition **A.17**)* as follows:

(1) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with ±2.5 mm of water precision, shall be calibrated and installed on the terminal’s vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.

(2) During the performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.503, and Permit 0050056-005-AC]

A.10. The Department shall be notified at least 15 days prior to testing to allow witnessing. Results shall be submitted to the Department within 45 days after testing and test reports shall comply with F.A.C. Rule 62-297.310(8), Test Reports. The Department can require special compliance tests in accordance with F.A.C. Rule 62-297.310(7)(a)10(b). Other test methods and alternate compliance procedures may be used only after prior Departmental approval has been obtained in writing.
[Rules 62-297.310(7)(a)9., and 62-297.620, F.A.C.]

A.11. The test reports shall comply with applicable portions of Rule 62-297.310, F.A.C., Test Reports. The Department can require special compliance tests in accordance with Rule 62-297.310(7), F.A.C. Other test methods and alternate compliance procedures may be used only after prior Departmental approval has been obtained in writing.
[Rules 62-297.310(7) and 62-297.620(1), F.A.C.]

Monitoring of Operations

A.12. The bulk gasoline terminal shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(a), and Permit 0050056-009-AC]

A.13. The vapor collection system shall be designed and operated to prevent organic compound vapors collected at one loading rack from passing to another loading rack.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(d), and Permit 0050056-009-AC]

A.14. Loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures:

a. The owner or operator shall obtain the vapor tightness documentation described in 40 CFR 60.505(b) *(see Specific Condition A.22)* for each gasoline tank truck which is to be loaded at the affected facility.
b. The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.
c. The owner or operator shall cross-check each tank identification number obtained in 40 CFR 60.502(e)(2) *(see Specific Condition A.14.b)* with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded.
d. The terminal owner or operator shall notify the owner or operator of each non vapor-tight gasoline tank truck loaded at the affected facility within 3 weeks after the loading has occurred.
e. The terminal owner or operator shall take steps assuring that the non vapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained.

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(e), and Permit 0050056-009-AC]

A.15. Loading of gasoline tank trucks shall be made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(f), and Permit 0050056-009-AC].

A.16. The tank truck's vapor collection systems shall be connected during each loading of a gasoline tank truck. Operating instructions shall be clearly posted or made easily available and shall include but not be limited to:

a. Proper connection of vent and liquid transfer lines between truck tanker and stationary facilities.
b. Maximum gasoline loading rate.
c. Maximum pressure during loading
d. Leak detection and maintenance.
e. Vapor Combustion Unit (Flare) vendor's instructions.
f. Truck vapor-tightness verification.

Examples of other actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(g); and Permit 0050056-009-AC].

A.17. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 450 mm of water during product loading. This level is not to be exceeded when measured by the procedures specified in 40 CFR 60.503(d) *(see Specific Condition **A.9**)*.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(h); and Permit 0050056-009-AC].

A.18. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 450 mm of water.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(i); and Permit 0050056-009-AC].

A.19. Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.502(j); and Permit 0050056-009-AC].

A.20. The flare (VCU) shall operate with a flame present at all times [40 CFR 60.18(c)(2)]. The presence of a flare pilot flame shall be continuously monitored using a thermocouple or equivalent device [40 CFR 60.18(f)(2)]. The flame monitoring system shall continuously interact with the flare control system. In the event the control system fails to verify the presence of a pilot flame, loading rack operation shall cease immediately and not be returned to operation until the flare is operating properly.
[Rules 62-4.070, 62-204.800(7)(b), 62-296.320(1)(a), F.A.C.; 40 CFR 60.18; and Permit 0050056-009-AC]

<u>Recordkeeping and Reporting Requirements</u>

A.21. The Permittee shall maintain records at the terminal for at least five years showing the monthly and rolling twelve-month throughput and emissions for the loading rack and vapor combustion unit.
[Rule 62-4.070, F.A.C. and Permit 0050056-005-AC]

A.22. The tank truck vapor tightness documentation required by 40 CFR 60.502(e)(1) *(see Specific Condition **A.14.a**)* shall be kept on file at the terminal in a permanent form available for inspection.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.505(a); and Permit 0050056-009-AC]

A.23. The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by EPA Method 27. This documentation shall include, as a minimum, the following information:

a. Test title: Gasoline Delivery Tank Pressure Test-EPA Reference Method 27.
b. Tank owner and address.
c. Tank identification number.
d. Testing location.
e. Date of test.
f. Tester name and signature.
g. Witnessing inspector, if any: Name, signature, and affiliation.
h. Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.505(b); and Permit 0050056-009-AC]

A.24. A record of each monthly leak inspection required under 40 CFR 60.502(j) *(see Specific Condition **A.19**)*shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information:

a. Date of inspection.
b. Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
c. Leak determination method.
d. Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
e. Inspector name and signature.

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.505(c); and Permit 0050056-009-AC]

A.25. The owner or operator shall keep documentation of all notifications required under 40 CFR 60.502(e)(4) *(see Specific Condition **A.14.d**)* on file at the terminal for at least two years.
[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.505(d); and Permit 0050056-009-AC]

A.26. As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in paragraphs (a), (c), and (d) of this section, an owner or operator may comply with the requirements in either paragraph (e)(1) or (2) of this section.

(1) An electronic copy of each record is instantly available at the terminal.

(i) The copy of each record in paragraph (e)(1) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (e)(1) of this section.

(2) For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading (e.g., via a card lock-out system), a copy of the documentation is made available (e.g., via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.

(i) The copy of each record in paragraph (e)(2) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (e)(2) of this section.

[Rule 62-204.800(7)(b), F.A.C. and Rule Amended on December 19, 2003 - 40 CFR 60.505(e)]

A.27. The owner or operator of an affected facility shall keep records of all replacements or additions of components performed on an existing vapor processing system for at least 3 years.
[Rule 62-204.800(7)(b), F.A.C. and 40 CFR 60.505(f)]

NSPS Incorporated

A.28. All applicable requirements of 40 CFR 60, Subpart XX, Standards of Performance for Bulk Gasoline Terminals and 40 CFR 60, Subpart A, General Provisions *(Attachment 40CFR60 Subpart A)*, are incorporated into this permit by reference and shall be adhered to.
[Rule 62-204.800(7)(b), F.A.C. and Permit 0050056-009-AC]

Subsection B. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
002	High volatility VOL (gasoline and aviation gasoline) storage tanks not subject to NSPS

This emission unit consists of four high volatility organic liquid storage tanks not subject to New Source Performance Standards (40 CFR 60). These tanks are described as follows:

ID	Product Stored	Capacity (gal)	Tank Type	Installation/ Modification date
Tank 78	gasoline	1,053,990	Internal floating roof	July, 1951
Tank 84	gasoline	1,103,940	External floating roof (domed)	1958

Emissions from this emission unit are included in the facility-wide maximum allowable VOC limit of 88.3 tons per rolling twelve months.

{Permitting Note: Although Tank 78 and 84 are not subject to NSPS standard, the permittee should notify the Department when tanks change from gasoline to aviation gasoline.}

The following specific conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

B.1. Capacity. Rolling twelve-month throughput shall be as limited by facility-wide condition 6.
[Rule 62-210.200(PTE), F.A.C. and Permit 0050056-005-AC]

B.2. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Subsection C. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
003	Low volatility VOL (diesel and Jet A fuel) storage tanks not subject to NSPS

This emission unit consists of three low-volatility organic liquid storage tanks not subject to New Source Performance Standards (40 CFR 60). These tanks are described as follows:

ID	Product Stored	Capacity (gal)	Tank Type	Installation/ Modification date
Tank 25	Diesel	852,222	Fixed roof	January, 1940
Tank 62	Jet A	211,492	Fixed roof	prior to 6/11/1973
Tank 63	Jet A	211,492	Fixed roof	prior to 6/11/1973
Tank 67	Jet A	699,522	Fixed roof	Jan. 1951/ mod June, 2006

Emissions from this emission unit are included in the facility-wide maximum allowable VOC limit of 88.3 tons per rolling twelve months.

{Permitting Note: Tank 67 changed from storing aviation gasoline to the storage of jet fuel in June 2006. This tank was modified by removing the internal floating roof and became a fixed roof tank storing a low volatile liquid with vapor pressure below 1.5 psi., and moved from EU 002 to EU 003. Although the tanks in this emission unit are not subject to NSPS standard, the permittee should notify the department when tanks change the fuel from Jet A to Diesel.}

The following specific conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

C.1. Capacity. Rolling twelve-month throughput shall be as limited by facility-wide condition 6.
[Rule 62-210.200(PTE), F.A.C., and Permit 0050056-005-AC]

C.2. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Subsection D. This section addresses the following emissions unit.

E.U. ID No.	**Brief Description**
004	Additive, slop, and flare drop out storage tanks

This emission unit consists of seven miscellaneous organic liquid storage tanks not subject to New Source Performance Standards (40 CFR 60), generally used to store additives. However, Tank 96 is a slop tank. These tanks are described as follows:

ID	Product Stored	Capacity (gal)	Tank Type	Installation/ Modification date
Tank 14	Additive	12,000	Fixed roof	2000
Tank 17	Additive	5, 838	Fixed roof	8/1991
Tank 18	Additive	4,000	Fixed roof	11/1993
Tank 21	Additive	5,800	Fixed roof	11/1994
Tank 22	Additive	8,148	Fixed roof	1995
Tank 23	Additive	3,906	Fixed roof	1998
Tank 95	Additive	25,368	Fixed roof	01/1975
Tank 96	slop	11,550	Fixed roof	01/1975

Emissions from this emission unit are included in the facility-wide maximum allowable VOC limit of 88.3 tons per rolling twelve months. These tanks are not subject to any source-specific emission limits or requirements, and this is considered an unregulated emission unit subject only to the general facility-wide conditions.

{Permitting Note: Tank 95, which has been out of service since 1998, has been added to this emission unit, and Tank 20 which was inadvertently made a part of this emission unit is now a part of EU 005.}

D.1. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Subsection E. This section addresses the following emissions unit.

E.U. ID No.	**Brief Description**
005	Process storage tanks

This emission unit consists of five miscellaneous process/storage tanks not subject to New Source Performance Standards (40 CFR 60). These tanks are described as follows:

ID	Product Stored	Capacity (gal)	Tank Type	Installation/ Modification date
Tank 20	Flare Drop-Out (dry)	250	Fixed roof	1993
O/S 1	Oil/water Separator	800	Fixed roof	2000
PT 1	Process tank for petrol contam. water (PCW)	12,000	Underground	2000
PT 2	Process tank for PCW	126	Underground	2000
Tank 2	Fire Protection Water		Fixed roof	January, 1936
Evap tank	Water Evaporation tank		open top	

Emissions from this emission unit are included in the facility-wide maximum allowable VOC limit of 88.3 tons per rolling twelve months. These tanks are not subject to any source-specific emission limits or requirements, and this is considered an unregulated emission unit subject only to the general facility-wide conditions.

{Permitting Note: Tank 20 which was inadvertently made a part of emission unit 004 is now a part of EU 005.}

E.1. Hours of Operation. This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Subsection F. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
006	Fugitive emissions

This emission unit consists of fugitive emissions from flange, valve, and pump and tank truck leaks. Emissions from this emission unit are included in the facility-wide maximum allowable VOC limit of 88.3 tons per rolling twelve months. These tanks are not subject to any source-specific emission limits or requirements, and this is considered an unregulated emission unit-subject only to the general facility-wide conditions.

Subsection G. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
007	High volatility VOL storage tanks subject to NSPS

This emission unit consists of one high-volatility organic liquid storage tank subject to New Source Performance Standards (40 CFR 60, Subpart Kb). This tank is described as follows:

ID	Product Stored	Capacity (gal)	Tank Type	Installation/ Modification date
Tank 66	aviation gasoline	703,374	Internal floating roof	July, 1951; mod, 1997; 2005
Tank 10	gasoline	3,186,374	Internal floating roof	January, 2005

Emissions from this emission unit are included in the facility-wide maximum allowable VOC limit of 88.3 tons per rolling twelve months.

{Permitting Note: Tank 66 was modified from storing gasoline to the storage of aviation gasoline in November 2005.}

The following specific conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

G.1. Capacity. Annual throughput shall be as limited by facility-wide condition 6.
[Rule 62-210.200(PTE), F.A.C. and Permit 0050056-009-AC]

G.2. Hours of Operation. This emission unit is allowed to operate continuously, i.e., 8,760 hours/year, as long as throughputs and emissions limits are observed.
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

FEDERAL NSPS REQUIREMENTS

{Note: For ease of use, inapplicable paragraphs are not shown. The numbering of the federal rules (dated 10/15/2003) in the following conditions has been preserved for ease of reference to the rules.

Emission Limitations and Standards

G.3. 40 CFR 60.112b Standard for volatile organic compounds (VOC).

(a) The owner or operator shall equip storage vessels with the following:
(l) A fixed roof in combination with an internal floating roof meeting the following specifications:
(i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall float on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
(ii) The internal floating roof shall be equipped with the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

(A) N.A.
(B) N.A.
(C) A mechanical shoe seal -- A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.
(iii) Each opening in a non-contact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents shall provide a projection below the liquid surface.
(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains shall be equipped with a cover or lid which shall be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
(v) Automatic bleeder vents shall be equipped with a gasket and shall be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
(vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
(vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.
(viii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.
(ix) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.
(2) N.A.
(3) N.A.
(4) N.A.
(b) N.A.
(c) N.A.
[Rule 62-204.800(7)(b)., F.A.C.; 40 CFR 60.112b(a); and Permit 0050056-009-AC]

G.4. <u>40 CFR 60.113b Testing and procedures</u>

These storage vessels shall meet the following requirements of 40 CFR 60.113b(a) *(see below)*.
(a) After installing the control equipment required to meet 40 CFR 60.112b(a)(1)*(See Specific Condition **G.3**)* (permanently affixed roof and internal floating roof), each owner or operator shall:
(1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

(2) For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in 40 CFR 60.115b(a)(3) *(see*

*Specific Condition **G.5)***. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) N.A.

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in 40 CFR 60.113b(a)(2) and 40 CFR 60.113b(a)(3)(ii) and at intervals no greater than 5 years in the case of vessels specified in 40 CFR 60.113b(a)(3)(i).

(5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by 40 CFR 60.113b(a)(1) and 40 CFR 60.113b(a)(4) to afford the Administrator the opportunity to have an observer present. If the inspection required by 40 CFR 60.113b(a)(4) is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least seven days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least seven days prior to the refilling.

(b) N.A.

(c) N.A

(d) N.A.

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.113b(a); and Permit 0050056-009-AC]

G.5. <u>40 CFR 60.115b Reporting and recordkeeping requirements</u>

The owner or operator of these storage vessels shall keep records and furnish reports as required by 40 CFR 60.115b(a), 40 CFR 60.115b(b), or 40 CFR 60.115b(c) depending upon the control equipment installed to meet the requirements of 40 CFR 60.112b *(see Specific Condition **G.3)***. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by 40 CFR 60.115b(c)(1), for at least 2 years. The record required by 40 CFR 60.115b(c)(1) will be kept for the life of the control equipment.

(a) After installing control equipment in accordance with 40 CFR 60.112b(a)(1) (fixed roof and internal floating roof) *(see Specific Condition **G.3)***, the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of 40 CFR 60.112b(a)(1) *(see Specific Condition **G.3)*** and 40 CFR 60.113b(a)(1) *(see Specific Condition **G.4)*** . This report shall be an attachment to the notification required by 40 CFR 60.7(a)(3).

(2) Keep a record of each inspection performed as required by 40 CFR 60.113b(a)(1), 40 CFR 60.113b(a)(2), 40 CFR 60.113b(a)(3), and 40 CFR 60.113b(a)(4) *(see Specific Condition **G.4)***. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

(3) If any of the conditions described in 40 CFR 60.113b(a)(2) are detected during the annual visual inspection required by 40 CFR 60.113b(a)(2) *(see Specific Condition **G.4**)*, a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by 40 CFR 60.113b(a)(3) *(see Specific Condition **G.4**)*that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in 40 CFR 60.113b(a)(3)(ii) *(see Specific Condition **G.4**)*, a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of 40 CFR 61.112b(a)(1) or 40 CFR 60.113b(a)(3) *(see Specific Conditions **G.3 & G.4**)* and list each repair made.

(b) N.A.

(c) N.A.

(d) N.A.

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.115b; and Permit 0050056-009-AC]

G.6. <u>40 CFR 60.116b Monitoring of operations</u>

(a) The owner or operator shall keep copies of all records required by this section, except for the record required by 40 CFR 60.116b(b), for at least two years. The record required by 40 CFR 60.116b(b) shall be kept for the life of the source.

(b) The owner or operator of each storage vessel shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel.

(c) Except as provided in 40 CFR 60.116b(f) and 40 CFR 60.116b(g), the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

(d) N.A.

(e) N.A.

(f) N.A.

(g) N.A.

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60.116b; and Permit 0050056-009-AC]

<u>NSPS Incorporated</u>

G.7. All applicable requirements of 40 CFR 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels and 40 CFR 60, Subpart A - General Provisions *(Attachment 40CFR60 Subpart A)*, are incorporated into this permit by reference and shall be adhered to.
[Rule 62-204.800(7)(b), F.A.C. and Permit 0050056-009-AC]

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions", and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of:

a. Have access to and copy any records that must be kept under conditions of this permit;
b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

a. A description of and cause of noncompliance; and
b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent

recurrence of the noncompliance. The permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurement;
- the person responsible for performing the sampling or measurements;
- the dates analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used;
- the results of such analyses.

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Updated 6/7/06

[Source: Federal Register dated 7/1/98, Federal Register 5/8/98, 2/12/99, 10/17/00, 6/28/02, 6/1/06]

Subpart A-General Provisions for 40 CFR 60

40 CFR 60.1 Applicability.

(a) Except as provided in 40 CFR 60 subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced
after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(c) In addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution controlagency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Title V of the Clean Air Act (CAA) as amended November 15, 1990 (42 U.S.C. 7661).
[40 CFR 60.1(a), (b) and (c)]

40 CFR 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

§ 60.6 Review of plans.

(a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b)(1) A separate request shall be submitted for each construction or modification project.

(2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.

(c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

40 CFR 60.7 Notification and record keeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

1. A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

2. Reserved.

3. A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

4. A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

5. A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

6. A notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

7. A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5) of 40 CFR 60. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

(1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(d) The summary report form shall contain the information and be in the format shown in Figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

(1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.

(2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

[See Attached Figure 1-Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance]

(e) (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the applicable standard; and

(iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance re-port (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may

again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this
section.

(f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:

(1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(g) If notification substantially similar to that in 40 CFR 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR 60.7(a).
(h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.
[40 CFR 60.7(a), (b), (c), (d), (e), (f), (g), (h)]

40 CFR 60.8 Performance tests.

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
[40 CFR 60.8(a)]

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be

adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in 40 CFR 60.8 shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
[40 CFR 60.8(b)(1), (2), (3), (4) & (5)]

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
[40 CFR 60.8(c)].

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems , etc) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the perfomance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility. This includes

(i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and

(ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

[40 CFR 60.8(e)].

(f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.
[40 CFR 60.8(f)].

§ 60.9 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§ 60.5 and 60.6 is governed by §§ 2.201 through 2.213 of this chapter and not by § 2.301 of this chapter.)

40 CFR 60.10 State authority.

The provisions of 40 CFR 60 shall not be construed in any manner to preclude any State or political subdivision thereof from:
(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.
[40 CFR 60.10(a) and (b)].

40 CFR 60.11 Compliance with standards and maintenance requirements.

(a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 unless one of the following conditions apply. If no performance test under 40 CFR 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with

procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in 40 CFR 60.11(e)(5), the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of 40 CFR 60, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(2) Except as provided in 40 CFR 60.11(e)(3), the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with 40 CFR 60.11(b), shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under 40 CFR 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in 40 CFR 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of 40 CFR 60.7(e)(1) shall apply.

(4) The owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by 40 CFR 60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and 40 CFR 60.8 performance test results.

(5) The owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under 40 CFR 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.13(c), that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

(6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by 40 CFR 60.8, the opacity observation results and observer certification required by 40 CFR 60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an

opacity standard, only those results are required to be submitted along with the performance test results required by 40 CFR 60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with 40 CFR 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, the shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.

(f) Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of 40 CFR 60.11.
[40 CFR 60.11(a), (b), (c), (d), (e) and (f)]

40 CFR 60.12 Circumvention.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
[40 CFR 60.12]

40 CFR 60.13 Monitoring requirements.

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B of 40 CFR 60 and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to 40 CFR 60, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

(c) If the owner or operator of an affected facility elects to submit continuos opacity monitoring system (COMS) data for compliance with the opacity standard as provided under 40 CFR 60.11(e)(5), he/she shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of 40 CFR 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days

thereafter in accordance with the applicable performance specification in appendix B of 40 CFR 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

(1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under 40 CFR 60.8 and as described in 40 CFR 60.11(e)(5), shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in 40 CFR 60.13(c) at least 10 days before the performance test required under 40 CFR 60.8 is conducted.

(2) Except as provided in 40 CFR 60.13(c)(1), the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

(d) (1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure.The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(2) Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions. Minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photo detector assembly.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 40 CFR 60.13(d), all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of 40 CFR 60 shall be used.

(g) (1) When more than one continuous monitoring system is used to measure the emissions from only one affected facility (e.g. multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless installation of fewer systems is approved by the Administrator.

(2) When the effluents from two or more affected facilities subject to the same opacity standard are combined before being released to the atmosphere, the owner or operator may either install a continuous opacity monitoring system at a location monitoring the combined effluent or install an opacity combiner system comprised of opacity and flow monitoring systems on each stream, and shall report as per Sec. 60.7(c) on the combined effluent. When the affected facilities are not subject to the same opacity standard applicable, except for documented periods of shutdown of the affected facility, subject to the most stringent opacity standard shall apply
(3) When the effluents from two or more affected facilities subject to the same emissions standard, other than opacity, are combined before released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the continuous monitoring standard, separate continuous monitoring systems shall be installed on each effluent and the owner or operator shall report as required for each affected facility.

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners or operators complying with the requirements in Sec. 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O2 or ng or pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).
[Rule 62-296.800, F.A.C.; 40 CFR 60.13(h)].

(i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

(1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.

(2) Alternative monitoring requirements when the affected facility is infrequently operated.

(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(5) Alternative methods of converting pollutant concentration measurements to units of the standards.

(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying

with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.

(9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.

[Rule 62-296.800, F.A.C.; 40 CFR 60.13(i)].

(j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:

(1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in section 8.4 of Performance Specification 2 and substitute the procedures in section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., 40 CFR 60.45(g)(2) and 40 CFR 60.45(g)(3), 40 CFR 60.73(e), and 40 CFR 60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in section 8.4 of Performance Specification 2.

[Rule 62-296.800, F.A.C.; 40 CFR 60.13(j)].

40 CFR 60.14 Modification.

(a) Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(a)].

(b) Emission rate shall be expressed as kg/hr (lbs./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors", EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in 40 CFR 60.14(b)(1) . When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.
[Rule 62-296.800, F.A.C.; 40 CFR 60.14(b)].

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.
[Rule 62-296.800, F.A.C.; 40 CFR 60.14(c)].

(d) [Reserved]

(e) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of 40 CFR 60.14(c) and 40 CFR 60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by 40 CFR 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.
[Rule 62-296.800, F.A.C.; 40 CFR 60.14(e)].

(f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.
[Rule 62-296.800, F.A.C.; 40 CFR 60.14(f)].

(g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in 40 CFR 60.14(a), compliance with all applicable standards must be achieved.
[Rule 62-296.800, F.A.C.; 40 CFR 60.14(g)].

(h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.

(i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.

(j) (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.

(2) This exemption shall not apply to any new unit that:

(i) Is designated as a replacement for an existing unit;

(ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and

(iii) Is located at a different site than the existing unit.

(k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration projec*t, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

40 CFR 60.15 Reconstruction.

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.
[Rule 62-296.800, F.A.C.; 40 CFR 60.15(a)].

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(b)].

(c) "Fixed capital cost"' means the capital needed to provide all the depreciable components.
[Rule 62-296.800, F.A.C.; 40 CFR 60.15(c)].

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(d)].

(e) The Administrator will determine, within 30 days of the receipt of the notice required by 40 CFR 60.15(d) and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
[Rule 62-296.800, F.A.C.; 40 CFR 60.15(e)].

(f) The Administrator's determination under 40 CFR 60.15(e) shall be based on:

(1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;

(3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(f)].

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.
[Rule 62-296.800, F.A.C.; 40 CFR 60.15(g)].

§ 60.18 General control device requirements.

(a) *Introduction.* This section contains requirements for control devices used to comply with applicable subparts of parts 60 and 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.
(b) *Flares.* Paragraphs (c) through (f) apply to flares.

(c) (1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).

(3) An owner/operator has the choice of adhering to either the heat content specifications in paragraph (c)(3)(ii) of this section and the maximum tip velocity specifications in paragraph (c)(4) of this section, or adhering to the requirements in paragraph (c)(3)(i) of this section.

(i) (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume), or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity, Vmax, as determined by the following equation:

$V_{max}=(X_{H2}-K_1)*K_2$

Where:

V_{max}=Maximum permitted velocity, m/sec.

K_1=Constant, 6.0 volume-percent hydrogen.

K_2=Constant, 3.9(m/sec)/volume-percent hydrogen.

X_{H2}=The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in § 60.17).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (f)(4) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.

(4) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4) of this section, less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (c)(4) (ii) and (iii) of this section.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), less than the velocity, Vmax, as determined by the method specified in paragraph (f)(5), and less than 122 m/sec (400 ft/sec) are allowed.

(5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, Vmax, as determined by the method specified in paragraph (f)(6).

(6) Flares used to comply with this section shall be steam-assisted, air-assisted, or nonassisted.

(d) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(e) Flares used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

(f) (1) Method 22 of appendix A to this part shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

Eq. 1

where:

HT=Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

$$K = \text{Constant}, 1.740 \times 10^{-7} \left(\frac{1}{ppm}\right)\left(\frac{g\ mole}{scm}\right)\left(\frac{MJ}{kcal}\right)$$

where the standard temperature for $\left(\frac{g\ mole}{scm}\right)$ is 20°C;

Eq. 2

Ci=Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 or 90 (Reapproved 1994) (Incorporated by reference as specified in § 60.17); and

Hi=Net heat of combustion of sample component i, kcal/g mole at 25 °>C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 (incorporated by reference as specified in § 60.17) if published values are not available or cannot be calculated.

(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity, Vmax, for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation. Log10 (Vmax)=(HT+28.8)/31.7

Vmax=Maximum permitted velocity, M/sec

28.8=Constant

31.7=Constant

HT=The net heating value as determined in paragraph (f)(3).

(6) The maximum permitted velocity, Vmax, for air-assisted flares shall be determined by the following equation. Vmax=8.706+0.7084 (HT)

Vmax=Maximum permitted velocity, m/sec

8.706=Constant

0.7084=Constant

HT=The net heating value as determined in paragraph (f)(3).

§ 60.19 General notification and reporting requirements.

(a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word ‘‘calendar’’ is absent, unless otherwise specified in an applicable requirement.

(b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be post-marked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the post-mark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

(c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request

whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

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